

1 UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF PENNSYLVANIA
3 CIVIL NO. CA 05-196 Erie
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7 TANIELLE SHURNEY)
8 Plaintiff) DEPOSITION
9 VS.) OF
10 SCOTT'S ECONO INN, INC., ET AL.) JON HURLEY
11 Defendants)
12

13 DEPOSITION taken before me, Jodie L. Algarin, a
14 Notary Public within and for the State of Ohio, on the
15 11th Day of January, 2006, pursuant to Notice and
16 Subpoena and at the time and place therein specified, to
17 be used pursuant to the Rules of Civil Procedure or by
18 agreement of counsel in the aforesaid cause of action,
19 pending in the United States District Court for the
20 Western District of Pennsylvania.
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23
24
25

APPEARANCES

On Behalf of Plaintiff:

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On Behalf of Defendant, Scott's Econo
Inn, Inc.:

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On Behalf of Defendant, Scott's Splash
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On Behalf of Defendant, Sean Pierce:

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STIPULATIONS

It is stipulated and agreed by and between counsel for the parties hereto that the deposition may be taken at this time, 11:45 a.m., January 11, 2006, in the offices of Streetsboro Police Department, 2080 State Route 303, Streetsboro, Ohio.

It is further stipulated and agreed by and between counsel that the deposition may be taken in shorthand by Jodie L. Algarin, a Notary Public within and for the State of Ohio, and may be by her transcribed with the use of computer-assisted transcription; that the witness's signature to the finished transcript of his/her deposition may be and is hereby waived under agreement of the parties; and that the deposition may be thereupon used on behalf of the parties in the aforesaid cause of action as fully and to the same extent as if written in the presence of the witness and subscribed by the witness in the presence of the Notary Public.

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DEFENDANT'S EXHIBITS INTRODUCED:

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1 WHEREUPON,
2 JON HURLEY,
3 of lawful age, being by me first duly
4 sworn to testify the truth, the whole
5 truth, and nothing but the truth, as
6 hereinafter certified, deposes and
7 says as follows:

8 EXAMINATION:

9 BY MR. BAX

10 Q Please state your name.

11 A Officer Jon Hurley.

12 Q Officer Hurley, my name is Gary Bax,
13 and I'm an attorney, and I represent Scott's Splash
14 Lagoon in a lawsuit which commenced in United States
15 District Court for the Western District of Pennsylvania
16 at Docket No. 105 CV 196. This is a lawsuit commenced by
17 a plaintiff named Tanielle Shurney.

18 This is a discovery deposition. It's taken pursuant
19 to the Federal Rules of Civil Procedure and also to the
20 local rules of procedure for the Western District of
21 Pennsylvania.

22 I have some instructions for you. If at any time
23 you don't hear a question that we ask or don't understand
24 a question that we ask, please tell us and we will
25 restate or rephrase the question. When you answer the

1 question, I'm going to assume you've heard the question,
2 that you understand the question and that you're
3 answering the question as accurately as you can based on
4 your own personal knowledge. Do you understand those
5 directions and will you agree to abide by them?

6 A Yes, I do. Yes, I will.

7 Q We also ask you not guess or speculate
8 an answer; again, based on your own personal knowledge.
9 Will you agree to do that?

10 A Yes, I will.

11 Q And at any time if you don't recall
12 something or don't know something, it's perfectly
13 appropriate for you to say you don't know or don't
14 recall; okay?

15 A Okay.

16 Q Other thing is, and you're doing a
17 great job of it, ask that you respond verbally to all of
18 the questions rather than shaking a head or saying uh-huh
19 or huh-uh because that's difficult to read on the
20 transcript. Also wait for the conclusion of all of the
21 questions because attorneys may wish to interpose
22 objections, and then I'll give them a chance to do that;
23 okay?

24 A Okay.

25 Q Okay. How old are you?

1 A Thirty-five.

2 Q And what is your occupation?

3 A Patrolman for the City of Streetsboro.

4 Q How long have you been employed with
5 the City of Streetsboro Police Department?

6 A Up to date almost two years.

7 Q Were you employed by the City of
8 Streetsboro Police Department as of June and July, 2004?

9 A Yes, I was.

10 Q Were you a patrolman at that point in
11 time?

12 A Yes, I was.

13 Q If you could provide us with a little
14 bit of background and your training and employment as a
15 police officer.

16 A Okay. City of Streetsboro is the first
17 law enforcement job I've had. The time of the incident
18 the background that I had was the academy. After getting
19 out of the academy, getting hired at Streetsboro, and
20 then going through the field training program that we
21 have here in Streetsboro.

22 Q What academy did you attend?

23 A Garrettsville Police Academy. It was
24 in Garrettsville, Ohio. It's a state required academy.

25 Q Required state academy for police

1 officers in Ohio?

2 A Correct. It's through OPOTA, which is
3 the state that governs the training academy for the
4 police departments.

5 Q When did you complete that training?

6 A That was July -- I believe it was July
7 of 2003.

8 Q And when did you begin your employment
9 with Streetsboro?

10 A May of 2004.

11 (Whereupon Defendant's Exhibit 1 was marked.)

12 Q I want to show you what's been marked
13 as deposition Exhibit 1, and is this the notice of
14 deposition and subpoena that I provided to you to compel
15 your attendance at this deposition?

16 A The first two pages look familiar.
17 This one might be a little different version, but I
18 believe the same information.

19 Q The subpoena?

20 A Yeah. I have copies in the back if we
21 need them.

22 (Whereupon Defendant's Exhibit 2 was marked.)

23 Q Okay. I'm going to show you what is
24 Defendant's Exhibit 2 and ask you to identify that
25 document or those documents.

1 A Okay. This one, the initial part of it
2 is the police report, Streetsboro police report, that I
3 completed after the incident, and then it's -- contained
4 in there are the statements from the victim who came and
5 made the report. Following that is the Pennsylvania
6 State Police, their initial report that I had them fax to
7 me after they made the arrest.

8 Q And are all of the documents that are
9 labeled Exhibit 2, are those from the official
10 Streetsboro Police Department file regarding incident No.
11 0402502?

12 A Yes, it is.

13 Q Are there any documents in the file
14 that are not in this labeled Exhibit 2?

15 A Yes. There are two pages that are
16 LEADs printouts that are not allowed to be duplicated and
17 they state -- the first one is a teletype sent to the
18 Erie State Police requesting that they go and identify
19 the person filling the reservation and give the
20 information back to Streetsboro Police Department. The
21 second teletype is the information of the victim, her
22 address that the Pennsylvania State Police required.

23 Q Okay. I want to ask you about your
24 knowledge and contact with an individual named Tonya
25 Traylor. First of all, can you tell me how you came in

1 contact with Tonya Traylor?

2 A She came up to our police department,
3 Streetsboro Police Department, just to fill out a report
4 that someone had used her credit card.

5 Q What date was that?

6 A Going by the report it's the 30th of
7 June.

8 Q Of 2004?

9 A Of 2004.

10 Q And did Tonya Traylor provide you with
11 a written statement?

12 A Yes, she did.

13 Q And is the written statement set forth
14 in Exhibit 2?

15 A Yes, it is.

16 Q And there is a handwritten statement on
17 6/30/04. I checked my Key Bank account on line, et
18 cetera. Is that Tonya's written statement?

19 A Yes, it is.

20 Q Is this the statement that she provided
21 to you on June 30 of 2004?

22 A Yes, it is. And it is dated such on
23 the second page.

24 Q Okay. You were on duty on June 30,
25 2004?

1 A Yes, I was.

2 Q What was your duty that day?

3 A Patrolman, take reports on station,
4 patrol the city, enforcing the ORC state laws and
5 ordinances.

6 Q Are those your customary duties?

7 A Yes, they are.

8 Q Were you fulfilling your normal and
9 customary duties on that June 30, 2004?

10 A Yes.

11 Q What did Tonya Traylor tell you?

12 A When she came up to the station, she
13 initiated by filling out the statement; and once her
14 statement was complete, spoke with her about the
15 statement that she made just saying that -- just like her
16 statement says, that she realized that her account was
17 overdrawn. She went and checked the accounts and noticed
18 entries that she didn't recognize, and she contacted
19 those entries on the account to find out who and why they
20 were made.

21 Q Was one of the accounts that Tonya
22 Traylor reported to you was an unauthorized charge -- was
23 one of those for Scott's Splash Lagoon?

24 A Yes, it was.

25 Q What did you do after you learned of

1 that Scott Splash Lagoon unauthorized purchase?

2 A In my supplemental statements where she
3 had made contact with me stating that one of the accounts
4 was to the Splash Lagoon, she contacted Splash Lagoon and
5 they told her that this person was going to fulfill their
6 reservation on -- I don't find the date right now. It
7 was like two days since she made the report.

8 And I asked what their police jurisdiction was, who
9 had jurisdiction of that area, and the lady I spoke with
10 after I called Splash Lagoon was a Patty Purchase. She
11 gave me the Erie state police post that had jurisdiction
12 for that area. And after I spoke with Patty, I told her
13 if she could contact the state police when this person
14 arrived to fill the reservation. Then I called the state
15 police post that has that jurisdiction and advised them
16 that a representative of Splash Lagoon may be contacting
17 you, if you could go down and identify the person filling
18 the reservation and send that information back to me.
19 And that's what is basically stated in the teletype to
20 the state police. They requested that.

21 Q Did you speak with anyone in Erie other
22 than Patty Purchase?

23 A As far as Splash Lagoon?

24 Q Yes.

25 A No.

1 Q And who did you speak with at the
2 Pennsylvania State Police?

3 A I believe the first one was the Trooper
4 Pierce, I believe.

5 Q I see on your report there are a couple
6 of officers' names. There is a Trooper Angelo, Trooper
7 Gilson and then there's a Trooper Pierce?

8 A Yeah. I believe Trooper Angelo is the
9 first one I spoke to, and then Trooper Pierce is the one
10 who handled the report, because upon the Pennsylvania
11 State Police report, that's his report, I believe.

12 Q Okay.

13 A So I spoke with Trooper Angelo
14 initially when I stated if he can go to the hotel Splash
15 Lagoon and identify this person. And from there, I'm not
16 sure who they sent down there.

17 Q Let me just ask you a few questions
18 again about this Exhibit 2. Does this appear to be a
19 true, accurate and complete photocopy of your file except
20 for the two LEADs pages?

21 A Yes.

22 Q And is this an official Streetsboro
23 Police Department document or series of documents?

24 A Yes, it is.

25 Q And were these documents prepared in

1 the ordinary course of business of the Streetsboro Police
2 Department?

3 A Yes.

4 Q Did you ever have any subsequent
5 contact with Patricia Purchase of the reservation center?

6 A I don't believe. After I initially
7 called her -- after speaking with Tonya Traylor, I called
8 Patty Purchase. That might have been where I left
9 messages. I believe there was basically one conversation
10 with her.

11 Q She has given a report in which she has
12 stated that you had her fax information to him. Do you
13 recall that or not?

14 A I don't recall that.

15 Q You're saying it may have happened, may
16 not have happened; you just don't recall?

17 A Right.

18 Q And for clarification sake, you
19 instructed Patty Purchase of the Splash Lagoon
20 reservation center to contact the Pennsylvania State
21 Police when Tanielle Shurney appeared for registration;
22 is that correct?

23 A That -- whenever the person who was
24 filling that reservation; correct.

25 MR. BAX: Okay. I think those are

1 all the questions I have for you right now.

2 MR. HUTTON: I think we should turn
3 it over to the plaintiff.

4 MR. ADAMS: Thank you.

5 EXAMINATION:

6 BY MS. ADAMS

7 Q Officer Hurley, I believe you indicated
8 you were certified in May of 2004; is that correct?

9 A I completed my academy testing in -- I
10 believe it was July of 2003 is when I took the
11 state -- Ohio State exam.

12 Q When did you take the oath as a police
13 officer?

14 A That was Streetsboro. I did that in
15 May of 2004.

16 Q Okay. And now obviously this happened
17 in June of 2004, approximately a month or so after you
18 came on board; correct?

19 A Correct.

20 Q Now, how many of these credit card
21 investigations did you conduct prior to this one?

22 A I believe this was my first one; but as
23 the report reflects, there were two of us on the call on
24 the first page, Patrolman Troy Beaver, who has had about
25 14 years experience here in Streetsboro, and he was in

1 the vehicle with me and took the report and spoke with --
2 he was out in the lobby. We spoke with the victim, Tonya
3 Traylor, at the same time.

4 Q And forgive me for not knowing the
5 local procedure. Do you have a training officer for a
6 period of time?

7 A Yes. And that was Patrolman Beaver.

8 Q How long were you in that training
9 period, six months or a year?

10 A I believe mine was -- Patrolman Beaver
11 was on afternoon shift; and prior to that, when I started
12 in May, I believe it was two weeks on day shift, and this
13 would have been my second two weeks with Patrolman
14 Beaver.

15 Q Okay. So you were at the desk, then,
16 when Ms. Traylor appeared at the police station; is that
17 correct?

18 A We were out on the road and got called
19 back in.

20 Q Okay. And who conducted the interview,
21 then, with Ms. Traylor?

22 A Both Patrolman Beaver and myself.

23 Q Okay. Now, does Patrolman Beaver have
24 a report separate and apart from this exhibit which has
25 been marked?

1 A No. This is the entire report.

2 Q So there's no other information that
3 Trooper Beaver would have had that is not included in
4 this report?

5 A Correct.

6 Q Okay. So when you took this report,
7 then, who was the lead investigator? Would it be you or
8 Trooper Beaver?

9 A I was the lead. Patrolman Beaver was
10 there to see I was doing the things I needed to do.

11 Q Did you ask him for guidance during the
12 course of this investigation?

13 A Yes, I did. And even after that,
14 talked with our shift sergeant who is Sergeant Wilson.

15 Q Good.

16 A And he again advised, you know, of the
17 situation, recommended that we contact the Erie State
18 Police.

19 Q And who -- go ahead.

20 A See if we can have Erie state police go
21 and identify this person.

22 Q Are you referring to Officer Beaver or
23 third officer?

24 A Sergeant Wilson. Sergeant Wilson is
25 the one recommended we contact Erie state police.

1 Q What is the first thing you did, then,
2 in terms of the investigation after you took the
3 statement from --

4 A After I took the initial statement when
5 Tonya Traylor contacted saying she had been in touch with
6 Patty Purchase and that she requested that we, the police
7 department, call her -- and I'm not sure if it was a day
8 or two after the initial report is when I called Patty
9 Purchase and did some follow-up.

10 Q So to clarify, then, it's your
11 understanding that the first contact made with Splash
12 Lagoon was, in fact, Ms. Traylor contacting Splash
13 Lagoon?

14 A Correct.

15 Q Before she ever contacted the police?

16 A (Nodding head.)

17 Q Is that correct?

18 A Yes. And I believe that states that in
19 the statement or in the supplemental.

20 Q Okay. And then when -- if you know the
21 answer to this -- when she, in fact, contacted Ms.
22 Purchase was she advised to contact you by Ms. Purchase?

23 A Yes.

24 Q Okay. So then when she gave this
25 written statement, she gave some information involving

1 some individuals that I'm noting in here -- did you
2 conduct an investigation with regard to the persons who
3 were listed as using the credit card, one Lisa Champman?

4 A We did as much looking into it as we
5 could with the information that we had. Had a name.
6 There was only so much follow-up with that, and then
7 subsequently we heard from Tonya Traylor, and she gave me
8 the information for Patty Purchase, and we went with that
9 lead first.

10 Q Okay. Well, what was the sum total of
11 your investigation regarding Lisa Champman?

12 A Lisa Champman?

13 Q Yes.

14 A Contacted Tonya Traylor to see if
15 she -- if that name was familiar to her, and she said no,
16 it was not familiar to her.

17 Q Okay. I didn't mean to interrupt. I
18 note from her written statement that she already
19 indicated the fact that she did not know who Lisa
20 Champman was.

21 A Right. I wanted to confirm that she
22 didn't know any names, Lisa Champman or Tonya Traylor --
23 I'm sorry, Tanielle Shurney.

24 Q Is it safe to say, then, you took the
25 written statement from Ms. Traylor and then asked her

1 questions after you immediately read that statement?

2 A Correct.

3 Q And one of those questions was, did you
4 know Lisa Champman?

5 A Correct.

6 Q So after you found out she didn't know
7 Lisa Champman, what steps did you take to investigate
8 Lisa Champman's use of this card?

9 A The information that we had on Lisa
10 Champman -- we had an address for her, okay, and once we
11 confirmed the address basically through the phone book
12 and crisscross book that we have, before we were able to
13 initiate speaking with this person, that's when Tonya
14 Traylor advised me of speaking with Patty Purchase and
15 that the person was going to come and fill the
16 reservation at the hotel. And then at that point we went
17 with that lead first.

18 Q And what name did you know to be
19 associated with the reservation at the hotel?

20 A Tanielle Shurney.

21 Q How did you get that information?

22 A From Tonya Traylor.

23 Q And is it your understanding that Tonya
24 Traylor got that from Ms. Purchase?

25 A I don't know where she got that from.

1 I don't know where she got that from.

2 Q Okay. So now once you found out that
3 for whatever reason Tanielle Shurney's name was on this
4 reservation, what else did you do regarding Lisa
5 Champman?

6 A Nothing.

7 Q Is it safe to say that other than
8 checking her name in the crisscross directory and her
9 address, that that concluded the investigation?

10 A Correct, because our victim, Tonya
11 Traylor, got compensation for her, so as far as -- our
12 investigation was done; the case was over.

13 Q Okay.

14 A From our end.

15 Q And noting that you looked in the local
16 directory, I'm assuming Lisa Champman is someone within
17 your police department's jurisdiction?

18 A No, she's not in our police department
19 jurisdiction.

20 Q She's within the Ohio State Police
21 jurisdiction?

22 A Correct. Cleveland, Ohio.

23 Q Did you make a referral to the Ohio
24 State Police so they could conduct an investigation
25 regarding Lisa Champman?

1 A No.

2 Q Is it safe to say that there's no
3 ongoing investigations of Lisa Champman regarding this
4 incident?

5 A Not from Streetsboro's end.

6 Q And do you know of any other police or
7 agency that is investigating Lisa Champman with regard to
8 this particular situation?

9 A I don't know the answer to that.

10 Q Is it safe to say that your
11 investigation regarding Lisa Champman ended when Tonya
12 Traylor was compensated for her loss regarding the car?

13 A Correct.

14 Q Now, was this a credit card or a debit
15 card?

16 A I believe she said it was a credit/bank
17 card, like a checking card.

18 Q Okay. And did she show you the
19 statement that reflected the use of the credit card or
20 whatever it was for purposes of the direct marketing
21 purchases and the Splash Lagoon purchase?

22 A No.

23 Q So you never saw any documentation
24 regarding the transaction; is that a safe statement?

25 A Yes.

1 Q Okay. Now, you also learned from Tonya
2 Traylor that she did not know Tanielle Shurney; correct?

3 A Correct.

4 Q Now, what do you know of Tanielle
5 Shurney as of today's date?

6 A I don't know -- other than what the
7 Pennsylvania State Police report reflects.

8 Q Okay. Did you, when you heard the name
9 Tanielle Shurney, run what we call in Pennsylvania an
10 NCIC to determine whether or not she has any prior
11 involvement in the criminal justice system?

12 A No, we didn't.

13 Q Did you conduct any sort of
14 investigation regarding Tanielle Shurney at all?

15 A No.

16 Q Did you hear of any other names
17 associated with the reservation other than Tanielle
18 Shurney's?

19 A I believe there was a Tracy Smith is
20 the other name that Tonya Traylor said was showing up on
21 whenever she was calling the places that had made -- that
22 were entries on her account that she was not familiar
23 with; the people she spoke with, that name came up.

24 Q Okay.

25 A Again, I don't know who gave that name.

1 That's just what Tonya Traylor gave.

2 Q I never mean to cut you off. I
3 apologize if I do.

4 A Sure.

5 Q How many references was Tracy Smith's
6 name on the Tonya Traylor card? How many references; do
7 you know?

8 A No, I don't.

9 Q I see here in Tonya Traylor's statement
10 that the only indications of the use of the card involve
11 Lisa Champman.

12 A Okay.

13 Q Is there another part of her statement
14 that shows that, in fact, Tracy Smith used the card for
15 other purchases?

16 A Not in her statement.

17 Q Okay. What information do you have
18 that led you to conclude that Tracy Smith had used the
19 card for something other than the Splash Lagoon
20 reservation?

21 A The Tracy Smith entry in our names
22 section of my report came because it showed up on the
23 Pennsylvania State Police report. From their end of the
24 investigation that name came up, so I placed it in my
25 name section of my report.

1 Q I see. So when the state police in
2 Pennsylvania started their part of the investigation, the
3 name Tracy Smith somehow came up; and as a result of that
4 as a courtesy to your department, they faxed you that
5 name?

6 A Correct.

7 Q And as a result of you getting her name
8 faxed to you, did you conduct an investigation regarding
9 Tracy Smith?

10 A No.

11 Q Did you run an NCIC involving Tracy
12 Smith?

13 A No.

14 Q Did you do anything involving Tracy
15 Smith?

16 A No.

17 Q After you referred this matter to the
18 Pennsylvania State Police, did you do anything else at
19 all?

20 A No.

21 Q When the arrest of Ms. Shurney was
22 made -- and for your information it was in the parking
23 lot of this hotel -- were you subsequently contacted via
24 telephone or other means during the course of the arrest?

25 A Yes.

1 Q And when were you contacted?

2 A I don't know the exact time we were
3 contacted. The dispatcher was contacted stating that
4 they had Tanielle Shurney and they needed the victim of
5 this report, Tonya Traylor. They needed her information,
6 so we faxed her information, which shows on the teletype
7 to the Pennsylvania State Police.

8 Q And that would be -- we don't need to
9 see it. Obviously her demographic information --

10 A Address.

11 Q -- and the credit card number, things
12 of that nature?

13 A Correct.

14 Q So you did not indicate to the state
15 police that they should, in fact, arrest Ms. Shurney?

16 A No.

17 Q You just -- what exactly did you ask
18 the Pennsylvania State Police to do vis-a-vis Ms.
19 Shurney?

20 A You're welcome to read the teletype.

21 Q Why don't you just read it into the
22 record, because we'll all get copies of the transcript.

23 A Okay. A representative from Scott
24 Enterprises will contact you when the suspect arrives.
25 Can you go to Econo Lodge and identify the suspect and

1 forward the information to Officer Hurley, Streetsboro
2 Police Department.

3 Q Okay. And then when Ms. Shurney
4 checked into the hotel, she was stopped by the trooper;
5 and then you were contacted by the trooper, and that
6 would be Trooper Pierce?

7 A That's my understanding.

8 Q Okay. Do you recall the mode of
9 communication? Was it a telephone call?

10 A I wasn't at work yet.

11 Q Okay. How, in fact, were you contacted
12 then?

13 A My dispatcher contacted me by phone at
14 home saying, I believe, it was Trooper Pierce who
15 contacted her, and the dispatcher was just wanting to
16 know what our end was. And I said, yes, go ahead and
17 send her -- send state police Tonya Traylor's
18 information. There's no problem with that.

19 Q The dispatcher then, you believe, would
20 have received a telephone call as opposed to a teletype?

21 A Right. If there was a teletype, it
22 would have been in the report.

23 Q Okay. So then to the best of your
24 knowledge, Trooper Pierce contacts your dispatcher who
25 calls you at home, and then you authorize your dispatcher

1 to release what information?

2 A The address of the victim, and I don't
3 know that Trooper Pierce -- I don't know who contacted
4 the dispatcher.

5 Q Okay. Somebody from Pennsylvania State
6 Police?

7 A I would imagine so, yes.

8 Q Have you done anything else after the
9 time your dispatcher contacted you regarding this
10 investigation at all?

11 A After we received the initial contact,
12 I came into work and was contacted -- it could have
13 been -- I believe that was the second officer, maybe
14 Gilson, Trooper Gilson. Basically they were stating that
15 they had this Tanielle Shurney in custody, and they also
16 requested a copy of my report faxed to them at the same
17 time. I asked if they could fax a copy of their report
18 to me, and that was the end of our contact.

19 Q Okay. And that was basically your end
20 with regard to this investigation in total?

21 A Correct.

22 Q So none of the other uses of the card
23 or no other subsequent investigations were maintained by
24 you or this police department after you received that
25 teletype information from the Pennsylvania State Police?

1 A Correct.

2 Q Okay. Did you ask Ms. Traylor --
3 because I see it's not here on the statement -- how she
4 may have lost the card?

5 MR. BAX: Object to the form of the
6 question. Assumes facts not in evidence.

7 MR. HUTTON: Object also.

8 Q Did you ask her how the card was
9 misplaced?

10 MR. BAX: Object to the form of the
11 question. Assumes fact not in evidence. I'm objecting.
12 You can't suggest answers to him.

13 MR. HUTTON: Objection.

14 Q Did you ask Ms. Traylor anything
15 regarding the circumstances that led to her filing this
16 police report that are not included in this statement?

17 A I don't recall everything that we
18 talked about other than what's on the report.

19 Q Okay. And she did not offer how she
20 believed the card may have been misplaced?

21 MR. BAX: Object to the form of the
22 question.

23 Q We'll ask Ms. Traylor. How were you
24 certain that the credit card number that Ms. Traylor had
25 used or was authorized to use was the same credit card

1 number that was used at Splash Lagoon?

2 A The only credit card number that I had
3 reference to was the one she made in her statement.

4 Q Okay. And how do you know that that
5 was the same number that came up as being the number used
6 at Splash Lagoon or at the Econo Lodge I should say?

7 A I didn't confirm the number. Whenever
8 I spoke with Patty Purchase, she was saying that that's
9 what was used, that Tonya Traylor's credit card was the
10 one that was used.

11 Q So you and Ms. Purchase did not compare
12 numbers to make sure that you're talking about the same
13 card?

14 A She told me that the name Tonya Traylor
15 is on the card. The name was on the card, not the
16 number.

17 Q So presupposing that Ms. Traylor had
18 more than one card, there was no indication as to the
19 name of the credit card?

20 A All we knew is the card belonged to
21 Tonya Traylor.

22 Q Okay. Was there some reason why Lisa
23 Champman wasn't contacted to see if she had a
24 relationship with Tanielle Shurney?

25 A From our end, we didn't need to. The

1 case was completed. There was no further follow-up
2 needed.

3 Q So you believe that it was one person
4 that was responsible for all the usages of the credit
5 card?

6 A Like I said, when we requested just --
7 we never even got the complete identification of the
8 person going down to Erie, Pennsylvania, for the
9 reservation. I just needed the information sent here. I
10 mean, subsequently it was in the police report from the
11 state police. Once they found that they had the suspect
12 in custody, you know, wanted to see what the proceeding
13 from that outcome of that before we proceeded any
14 further, if needed.

15 Q It's safe to say you yourself or
16 members of your police department have no evidence
17 linking Ms. Shurney to the use of the card other than the
18 fact that she showed up and signed her name for the
19 reservation?

20 A The only thing we have is our victim's
21 statement coming to the police station saying that that's
22 the name that was showing up on the card and that's the
23 reservation that Patty Purchase said was going to be
24 fulfilled.

25 Q Just a few closing questions then. Do

1 you recall having any contact with anyone named Kristen
2 Mooney at Splash Lagoon?

3 A That does not sound familiar.

4 Q Sandy Calabris, C-A-L-A-B-R-I-S?

5 A Again, doesn't sound familiar.

6 Q Jeffrey Mona, M-O-N-A?

7 A Doesn't sound familiar.

8 Q And any other contacts with Trooper
9 Pierce other than what you've testified about?

10 A No, I don't believe so.

11 MR. ADAMS: Okay. Thank you very
12 much. I have no further questions, Officer Hurley.

13 EXAMINATION:

14 BY MR. HUTTON

15 Q My name is Gary Hutton. I represent
16 Scott's Econo Lodge. As I understand your testimony,
17 this matter came to your attention when credit card
18 check -- the card holder came to the Streetsboro Police
19 Department to file a complaint that her card had been
20 improperly accessed and was being used; is that correct?

21 A Correct.

22 Q And when she told you that, Ms. Taylor
23 told you that she had made inquiry and she had found at
24 least four uses of the card; is that correct?

25 A Correct.

1 Q And various names came up as being as
2 improperly accessing and having charges placed against
3 Mrs. Taylor's account; is that correct?

4 A Yes, that's correct.

5 Q All those charges, whether they were by
6 one individual using various names or by different
7 individuals, Ms. Taylor, gave the information all charges
8 were unauthorized; is that correct?

9 A Correct.

10 Q That included the charge that appeared
11 for the Splash Lagoon or Econo Lodge that was not
12 authorized according to the information that was provided
13 to the Streetsboro Police Department yourself and Officer
14 Beaver?

15 A That's correct.

16 Q And then based on the information that
17 you received from Mrs. Taylor as she showed you the
18 banking information, did you have a belief and
19 understanding at that time that her -- that Mrs. Taylor's
20 card was being improperly used, and the use of the card
21 by the individual or individuals constituted credit card
22 fraud, a criminal offense?

23 A Yes, I did.

24 Q Is that why you made further inquiry
25 into that investigation?

1 A That's correct.

2 Q You have reason to believe some
3 identified individual or individuals were committing
4 credit card fraud and the victim was Mrs. Tonya Taylor?

5 A Traylor, yes.

6 Q Traylor. Excuse me. As part of that
7 investigation, a few names came up. Champman's name came
8 up, Shurney's name came up, and eventually Tracy Smith's
9 name came up?

10 A That's correct.

11 Q And you had also talked to a Ms. Patty
12 Purchase?

13 A Yes, I did.

14 Q And that call was instituted by your
15 office to request the assistance of Scott's Enterprises
16 or the Econo Lodge, Splash Lagoon in the course of this
17 ongoing investigation as to who was using Ms. Traylor's
18 credit card improperly and without her authorization?

19 A Yes. That's correct.

20 Q You requested Scott's assistance?

21 A Yes. By calling the state police.

22 Q They agreed to provide that?

23 A Yes, they did.

24 Q At the time that you made that call, I
25 think you said the LEADs report was to request the

1 identity or verify the identity of the person who showed
2 up at the motel hotel to use the reservation?

3 A Correct.

4 Q As part of the credit card, were you
5 concerned that all the names that were being provided to
6 the various banks and motels and Lane Bryant and stores
7 may also have been fictitious?

8 A That's correct.

9 Q You actually didn't know who was
10 actually --

11 A I didn't know who was going to show up.

12 Q You didn't know if it would be Ms.
13 Shurney, you didn't know if it was going to be Ms.
14 Champman, you didn't know it was going to be any possible
15 person male, female, young, old. You had no idea who was
16 going to come in and actually take the service that had
17 been paid for on that card?

18 A Correct. That's why I was requesting
19 the identification be sent.

20 Q That person would be identified when
21 they appeared at the motel to take the use of the
22 service; i.e., appear at the hotel to check in?

23 A Correct.

24 Q Is that the time that you requested the
25 hotel contact the state police to have that individual

1 confined or I guess arrested so they could be identified
2 so this investigation could be completed?

3 A Well, not arrested. Just to where the
4 representative from the hotel would call the state
5 police, state police officer/trooper would show up and
6 identify -- just questions, who are you, get some
7 identification of this person so we could find out who
8 this person was.

9 Q Okay. Was it your understanding at
10 that point that it was Tanielle Shurney who appeared at
11 the motel, at least according to the --

12 A By the state police report.

13 Q That was based on driver's
14 identification and such; is that true?

15 A I would assume so, yes.

16 Q There was some questions about your
17 investigation to Ms. Champman. As I understand, the
18 address you got for Champman was a Cleveland address?

19 A Correct.

20 Q And this credit card fraud that you're
21 investigating with Ms. Traylor, that's multi-
22 jurisdictional; is that right? It didn't occur here
23 simply in Streetsboro.

24 A None of the purchases on the credit
25 card were purchases from Streetsboro. It was just our

1 victim lives in Streetsboro, so the police report is made
2 in Streetsboro.

3 Q This type of crime often falls outside
4 of one locale's jurisdiction, one police department
5 jurisdiction?

6 A Correct.

7 Q That's why you eventually made contact
8 with the Pennsylvania State Police to help conclude this
9 investigation?

10 A Correct. To my knowledge, no crime in
11 reference to this report was committed in Streetsboro.

12 Q Okay. But a crime had been committed
13 based on your investigation?

14 MR. ADAMS: Objection.

15 Q Is that fair to state?

16 MR. ADAMS: Calls --

17 Q Improper use of a credit card. You can
18 answer, Officer.

19 A Yes. There was a crime committed.

20 Q That's what you reasonably based on the
21 information?

22 A Based on the victim's statement who
23 came up here, that was what happened.

24 Q Just look at Exhibit 2 for a second.
25 The first three pages, is that part of the single

1 document or I want to have it identified.

2 A Okay.

3 Q What are those initial pages? How
4 would you describe those?

5 A The first page is basically the cover
6 page. Real brief narrative and information on the report
7 itself. The next two pages are the names that are
8 associated with the report. The fourth page is charges,
9 what the report is about, which says it's credit card
10 charges. That's what we're talking about.

11 The following two pages -- I'm sorry -- the next
12 page is the investigative narrative where -- narrative
13 stating what contact was made, what happened, more
14 in-depth information.

15 Q That one has -- it says investigative
16 report 001 title/subject credit card fraud, Bates No. 1,
17 incident 0402502?

18 A That's correct.

19 Q Name appears on the bottom, Trooper Jon
20 H. Hurley. That's yours?

21 A Patrolman.

22 Q It's dated 6/30, 2004; is that correct?

23 A Yes. That's correct.

24 Q All these records from Exhibit No. 2,
25 are they prepared contemporaneously with the report?

1 They're made at that time?

2 A Right. As it happens, within a
3 reasonable amount of time as in the next five pages,
4 those are supplemental reports, that is a phone call was
5 made in reference to this report, then the report was
6 made, supplemental information as to what that call or
7 what that information would represent on the page.

8 Q Then the handwritten statement is the
9 statement given to you by Ms. Taylor?

10 A Correct.

11 Q That was given here at the police
12 department?

13 A Yes, it was.

14 Q Okay. And the following pages are from
15 the information from the Pennsylvania State Police?

16 A That's correct.

17 Q As part of your investigation, did you
18 learn whether or not Ms. Taylor had given anyone
19 authorization? Did she tell you that she had given
20 anyone authorization to access her credit card or bank
21 card or check account, whether it be Ms. Shurney, Smith,
22 Champman?

23 A She -- I believe she stated she was the
24 only one to use that credit card; and of those names, she
25 didn't recognize any of those names or give authorization

1 to any of those names.

2 MR. HUTTON: That's all I have,
3 Officer. Thank you.

4 MS. MALONE: I have no questions.

5 MR. BAX: No questions.

6 MR. ADAMS: I just have a few
7 follow-ups.

8 RE-EXAMINATION:

9 BY MR. ADAMS

10 Q I thought when we talked initially that
11 there wasn't any subsequent investigation by you after
12 Ms. Shurney was arrested. Now it seems as if you're
13 talking about confronting Ms. Traylor with the names of
14 individuals that came up on the teletype box.

15 MR. BAX: Object to the form of the
16 question.

17 MR. HUTTON: Object. He didn't so
18 testify.

19 Q Lastly, did you know that the
20 reservation was made in Tanielle Shurney's name prior to
21 her being arrested?

22 A I don't recall. I'll look in the
23 statement. When I spoke with Patty Purchase, who is the
24 manager of Splash Lagoon, she did say there was a
25 reservation under the name of Tanielle Shurney.

1 Q And that was obviously the date of --
2 that conversation was when?

3 A I called Ms. Purchase on the 2nd of
4 July.

5 Q And that was obviously before Ms.
6 Shurney was arrested?

7 A I believe so, yes.

8 MR. ADAMS: Thank you. I have
9 nothing further.

10 MR. BAX: Just a follow-up
11 question.

12 RE-EXAMINATION:

13 BY MR. BAX

14 Q Again, referring to the investigative
15 narrative of your official report that was prepared on
16 June 30 of 2004, you state in there that -- referring to
17 that Tanielle Shurney reservation, you state, quote, the
18 reservation was made with Traylor's account number, close
19 quote. Was that the information provided to you by Patty
20 Purchase?

21 A Yes. That's correct.

22 Q So do you recall if you compared the
23 card numbers at that point in time?

24 A I don't recall if we compared the
25 numbers. Just the names, I believe. I don't remember if

1 the numbers were compared.

2 MR. BAX: Okay. Those are all the
3 questions I have.

4 MR. ADAMS: We're off the record.

5 (Whereupon an off-the-record discussion was had.)

6 MR. BAX: Officer, you have the
7 opportunity to read and review the deposition transcript
8 if you would like to, and then on a separate sheet of
9 paper you can make notations or you can make other
10 comments. Or if you choose to, you can waive your right
11 to read or review the transcript. Do you have a choice
12 as to what you like to do?

13 THE WITNESS: I can waive the
14 right.

15 SIGNATURE WAIVED

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REPORTER'S CERTIFICATE

I HEREBY CERTIFY that the above and foregoing
is a true and correct transcript of all the testimony
introduced and proceedings had in the taking of the
testimony in the above-entitled matter, as shown by my
stenotype notes taken by me at the time said testimony
was taken.




Jodie L. Algarin
Registered Professional Reporter

1
2 STATE OF OHIO)
3) SS: NOTARY CERTIFICATE
4 MAHONING COUNTY)

5 I, Jodie L. Algarin, Notary Public
6 within the State and County aforesaid, duly commissioned
7 and qualified, do hereby certify that the within-named
8 deponent was by me first duly sworn to testify the
9 truth, the whole truth, and nothing but the truth, and
10 that the foregoing testimony was written by me in
11 stenotype in the presence of the witness; that by
12 agreement of counsel, signature was waived.

13
14 I do further certify that I am not
15 of counsel, attorney or relative to either party, or
16 otherwise interested in the event of this action or
17 proceeding.

18
19 IN WITNESS WHEREOF, I have hereunto
20 set my hand and seal of office at Youngstown, Ohio, this
21 25th Day of January, 2006.

22
23 
24 Jodie L. Algarin, Notary Public
25 My Commission Expires 04/24/06

0

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